

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	2:18-cv-09497-GW (SK)	Date	December 19, 2018
Title	Fred Lee Davis v. Nancy A. Berryhill		

Present: The Honorable	Steve Kim, United States Magistrate Judge		
Connie Chung	n/a		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:		
None present	None present		

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE**

Plaintiff is a state prisoner who previously sued the Social Security Administration for supplemental security income benefits from June 14, 2010 through December 15, 2011, when he was incarcerated. (Case No. 18-cv-06616, ECF No. 1 at 14, 18). The Court dismissed that case because Plaintiff failed to pay the required filing fee. (*Id.*, ECFs 7-8). Plaintiff, proceeding in forma pauperis, has refiled the complaint against Respondent, but it fails to allege any factual or legal basis for relief. Indeed, the Complaint sets forth no cogent set of facts or comprehensible legal claims. Demanding payment of retroactive benefits in conclusory fashion is not sufficient to allege a factual or legal error that might plausibly entitle Plaintiff to relief. *See* 28 U.S.C. §§ 1915(e)(2), 1915A(b); Fed. R. Civ. P. 8(a)(2); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Therefore, Plaintiff is ORDERED TO SHOW CAUSE by or before **January 25, 2019** why this action should not be dismissed for failure to state a claim upon which relief may be granted. Plaintiff may satisfy and discharge this order to show cause by filing an amended complaint that sets forth the precise decision by the SSA that he is challenging **and** the necessary facts and legal theories to show why that decision is alleged to be legally or factually wrong. Alternatively, Plaintiff may voluntarily dismiss this action using the attached Notice of Voluntary Dismissal form. **Plaintiff is cautioned that failure to file a notice of voluntary dismissal or timely response to this order may result in involuntary dismissal of this action for failure to prosecute and obey court orders.** *See* Fed. R. Civ. P 41(b); L.R. 41-1.